

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-3, 7-14, and 17-28 are presently active in this case. The present Amendment amends Claims 1, 7-8, 10-12, 17-18; cancels Claims 4-6, 15-16; and adds Claims 19-28.

In the outstanding Office Action, Claims 1-3 and 12-14 were rejected under 35 U.S.C. § 102(b) as being anticipated by Treichler et al. (U.S. Patent No. 5,934,615). Claims 1-7 and 10-17 were rejected under 35 U.S.C. § 102(b) as being anticipated by Harriehausen et al. (U.S. Patent No. 5,244,269).

However, Claims 7, 8 and 18 were indicated as allowable if rewritten in independent form. Applicant acknowledges with appreciation the indication of allowable subject matter. However, since Applicants consider that independent Claims 1 and 12, as presently amended, define patentable subject matter, Claims 7, 8 and 18 are maintained in dependent form at the present time.

In order to clarify Applicants' invention, independent Claims 1 and 12 are amended to recite that the guide includes a first and a second pairs of grooves disposed on one of the bin and support structure, and the guide further includes protrusions disposed on the other of the bin and support structure, each of the protrusions being movably engaged in one of the grooves. This amendment finds non-limiting support in the disclosure as originally filed, for example in Claims 4-6 and from page 10, line 21 to page 11, line 1. The changes to Claims 1 and 12, therefore, are not believed to raise a question of new matter.¹

¹ See MPEP 2163.06 stating that "information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter."

In order to vary the scope of protection recited in the claims, new dependent Claims 19-28 are added. New Claims 19-28 find non-limiting support in the disclosure as originally filed, for example in Claim 8 (Claims 19-21); at page 7, lines 1-6 (Claim 22); at page 12, lines 19-21 and page 13, line 1 (Claims 23-24); at page 6, lines 6-9 (Claim 25); in Claim 8 (Claim 26); in Claim 9 (Claim 27); and in Figs. 1-2, and 4-5 (Claim 28). Therefore, new Claims 19-28 are not believed to raise a question of new matter.²

In response to the rejections under 35 U.S.C. § 102(b) and in light of the present amendment to independent Claims 1 and 12, Applicants respectfully request reconsideration of these rejections and traverse the rejections as discussed next.

Briefly recapitulating, Applicants' invention relates to a baggage compartment including a support structure, a bin, and a guide connecting the support structure and the bin. The guide is configured to move the bin along a first portion of a path linearly and a second portion of the path rotationally. The guide includes a first and a second pairs of grooves disposed on one of the bin and support structure, and further includes protrusions disposed on the other of the bin and support structure. Each of the protrusions is movably engaged in one of the grooves. As explained in Applicants' specification, the claimed invention improves upon conventional baggage compartment because it reduces the space required for the support and the guide system for the baggage bin.

Turning now to the applied prior art, the Treichler et al. patent discloses a bin 10 that includes a cooperating upper shroud portion 40 and a lower bucket portion 20 interconnected by latch 46. The shroud 40 includes a pair of vertical end bulkheads 42. The bucket 20 has a pair of vertical end bulkheads 22 that are disposed adjacent to the end bulkheads 42 of the shroud 40 when the bin is closed. A guide 30 is attached to each shroud end bulkhead 42.

² See MPEP 2163.06 stating that "information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter."

The guide 30 includes a linear track formed of nested planar sheet metal lengths 32 with ball bearings 34 interposed between the lengths to allow movement relative to each other. The guide 30 is attached to the shroud end bulkhead 42, while the central nested length 36 of the guide having its lower end attached to the adjacent end bulkhead 22 of the bucket 20. As the bin 10 opens, the nested metal lengths 32 of guide 30 roll relative to each other, while maintaining overlap between adjacent lengths to maintain rigidity of the guides and eliminate the need for a torque tube or other uniform motion controller between opposite ends of the bin.³

However, the Treichler et al. patent fails to teach a guide including a first and a second pairs of grooves disposed on one of the bin and support structure, and further including protrusions disposed on the other of the bin and support structure, wherein each of the protrusions is movably engaged in one of the grooves. On the contrary, the Treichler et al. patent teaches the telescopic guide 30 that does not include any groove with a protrusion movably engaged therein, much less two pairs of such grooves. Therefore, the Treichler et al. patent fails to teach or suggest every feature recited in Applicants' claims, so that Claims 1-3, 7-14, and 17-28 are patentably distinct over the Treichler et al. patent. Accordingly, Applicants respectfully traverse, and request reconsideration of, the rejection based on the Treichler et al. patent.⁴

With respect to the rejection based on the Herriehausen et al. patent, this reference discloses a baggage compartment 1 with a plurality of troughs 3, each one arranged between two side walls 4. Each trough 3 is guided relative to the side walls 4, through two identical quadrilateral bellcrank links. A linkage includes the pivot joints 5 and 6 connected to the side

³ The Treichler et al. patent, e.g., from column 2, line 61 to column 3, line 23 with Figs. 1-2A-C.

⁴ See MPEP 2131: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," (Citations omitted) (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."

wall 4, and the pivot joints 7 and 8 connected to the trough 3. The joints 5 and 7 are connected to each other by a curved upper lever 9 and the joints 6 and 8 are connected to each other by a lower lever 10. Further, a bell crank 11 includes a long lever arm 12 and a short weighing lever 13 coupled to the pivot joint 6. A pneumatic spring 14 is built into the lever arm 12 so that its piston rod is coupled to the lever arm 12 and so that the cylinder side end of the pneumatic spring 14 can drive in and out opposite the lever arm 12.

However, the Herriehausen et al. patent fails to teach a guide including a first and a second pairs of grooves disposed on one of the bin and support structure, and further including protrusions disposed on the other of the bin and support structure, wherein each of the protrusions is movably engaged in one of the grooves. On the contrary, the Herriehausen et al. patent teaches the curved upper lever 9 and lower lever 10. These levers do not form a guide with *two pairs* of grooves with protrusions movably engaged therein. The Herriehausen et al. patent further fails to teach two pairs of grooves *disposed on the bin*, as recited in Claims 7 and 17. The Herriehausen et al. patent also fails to teach various features recited in new dependent Claims 19-28, such as a pair of grooves disposed adjacent a front portion of the bin (Claims 19 and 21); a stop member at an adjustable location (Claim 22); a linear guide mechanism as recited in Claims 23-25; a pair of grooves having a greater radius of curvature than another pair of grooves (Claim 27); nor grooves having concave sides facing a back portion of said bin (Claim 28).

Therefore, the Herriehausen et al. patent fails to teach or suggest every feature recited in Applicants' claims. Accordingly, Applicants respectfully traverse, and request reconsideration of, the rejection based on the Herriehausen et al. patent. Furthermore, Applicants respectfully submit that, absent improper hindsight, there is no evidence of motivation to modify the Treichler et al. and Herriehausen et al. systems so as to arrive at

Application No. 10/712,036
Reply to Office Action of June 9, 2004

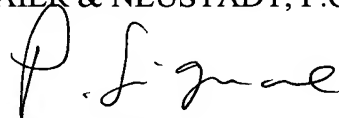
Applicants' claimed baggage compartment. Therefore, Claims 1-3, 7-14, and 17-28 are patentably distinct over the prior art.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-3, 7-14, and 17-28 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,

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